

Congress of the United States
Washington, DC 20515

December 11, 2018

Michael White
State Executive Director
New Mexico State FSA Office
100 Sun Avenue, Suite 200
Albuquerque, NM 87109

Dear Mr. White:

We are concerned that the United States Department of Agriculture (USDA) Farm Service Agency's (FSA) proposed 2018 County Expected Yield/T-Yield for Rio Arriba County could negatively impact the livelihood of local farmers and ranchers. It is our understanding that the yields are currently under review by the County Executive Director and we are requesting further evaluation of the yield prior to a final decision.

The 2017 T-Yield was originally set at 4.18 tons per acre. It is our understanding that in April, the District Director conducted a review and determined the original yield was incorrect. Since the National Agricultural Statistics Service (NASS) data was not available for Rio Arriba, the State Committee assigned the 2017 T-yield by using the "Alfalfa and Alfalfa Mixture" data from the Northwest Region which subsequently set the adjusted yield to 2.76 tons/acre. We have since been informed that the T-Yield for 2018 will be based on data from "Other Hay" and "Other Counties" thus dramatically reducing the T-Yield from 4.18 to 1.33 between 2017 and 2018.

We are alarmed by the inconsistency in T-Yield determinations over a short period of time. We are also concerned by the manner in which you are using your discretionary authority and the potential impact on farmers and ranchers. Furthermore, we have the following requests and concerns regarding USDA's adjust the criteria to determine the T-Yield for Rio Arriba County:

1. Was the process used to determine a T-Yield value of 2.76 tons/acre fair and consistent with Noninsured Crop Disaster Assistance Program (NAP) policies and procedures?
2. According to USDA,^[1] alfalfa mixture should be used when "less than 60 percent of the plant population is alfalfa." Please provide information as to why the USDA choose to define the forage for 2018 as "Other Hay" despite being defined as "Alfalfa and Alfalfa Mixtures" in previous years?

^[1] 1-NAP (Rev.2) Amend. 1 Defining Forage Crops, paragraph 801,

3. Of the counties within the Farm Service Agency New Mexico's Northwest Region, Rio Arriba is the only county being adjusted to use "Other Hay" data instead of "Alfalfa and Alfalfa Mixtures for Hay." This change is being done even after "Alfalfa and Alfalfa mixtures" was used in 2017 to determine the correct yield of 2.76 tons/acre. Please provide the justification and information that was used to determine that Rio Arriba does not qualify for the alfalfa mixtures, like the other counties in Northern New Mexico.
4. We are concerned by the FSA's decision to use "Other Counties" data from NASS considering "Other Counties" is a compilation of county data that does not meet NASS quality standards. Please provide information as to why the FSA State or County Committee decided to use "Other Counties" data instead of the "Northwest Regional" data as well as the procedures or statutes which enabled this decision.
5. We have been informed that there have been many changes made to the County Committee in recent months; therefore, farmers and ranchers in Rio Arriba County may no longer have their locally elected officials serving on the committee and representing their interests. Please take additional steps to ensure that farmers and ranchers in Rio Arriba are adequately notified of their rights and opportunities so that their concerns may be heard during this transition.
6. It is our understanding that FSA Policy exists that establishes the County Expected Yields should never be reduced by more than 10% per year. In 2017, however, the adjustment from 4.18 to 2.76 tons/acre resulted in a downward adjustment being reduced by anywhere from 25% to 75%, with some even being reduced to zero. Now, it appears that the FSA State Committee plans to once again reduce this number from 2.76 tons/acre to 1.33 tons/acre, a change of 52%. Can you provide information on why this policy was not followed or why the policy was not applicable?

We are concerned by the incomplete and inconsistent information provided to us by USDA and the FSA throughout this process. When we requested that the USDA provide the Rio Arriba County data used to determine the adjusted T-Yield of 1.33 tons/acre, we were informed that they were using NASS data for Rio Arriba County. However, during the years necessary to determine a T-Yield for 2018, NASS did not publish data for Rio Arriba County, as the data did not meet their quality standards. It wasn't until this discrepancy was discovered that we informed of the decision to use "Other Counties" and "Other Hay" data to determine the T-yield for 2018. We are troubled by the lack of transparency and straightforwardness throughout this process and seek answers to assure the program is being operated fairly.

We believe that the changes in how data was used for 2018, and future T-yields, indicates a lack of consistency that will result in detrimental impacts on the livelihood of the Rio Arriba producers. We urge you to reconsider the current proposed T-yield for 2018 and to return to commonly applied statistical analyses. We thank you for your prompt attention to this matter.

Sincerely,



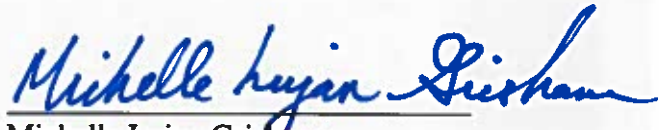
Tom Udall
U.S. Senate



Martin Heinrich
U.S. Senate



Ben Ray Lujan
U.S. House of Representatives
Assistant Democratic Leader-Designate



Michelle Lujan Grisham
U.S. House of Representatives